

ASSISTANT COMMISSIONER FOR PATENTS
Washington, DC 20231

In re application: **Chih-Ming Chen, et al.**

Serial No.: **09/705,625**

Filed: **November 3, 2000**

For: **METHODS FOR TREATING DIABETES VIA ADMINISTRATION OF CONTROLLED RELEASE METFORMIN**



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JUL 15 2002

Sir:

Transmitted herewith is an **Amendment** in the above-identified application.

- [] Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
[] Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
[X] No fee for additional claims is required.
[] A filing fee for additional claims calculated as shown below, is required:

TECH CENTER 1600/2900

FOR:	(Col. 1)		(Col. 2)		SMALL ENTITY		OR	LARGE ENTITY	
	REMAINING	HIGHEST	AFTER	PREVIOUSLY	RATE	FEE		RATE	FEE
	AMENDMENT	PAID FOR		PRESENT					
				EXTRA					
TOTAL CLAIMS	* Minus**	=		x0\$ 9	\$			x \$ 18	\$
INDEP. CLAIMS	* Minus***	=		x0\$ 40	\$			x \$ 80	\$
[] FIRST PRESENTATION OF MULTIPLE DEP. CLAIMS					\$			+ \$270	\$

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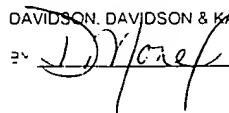
TOTAL: \$ OR TOTAL: \$

- [X] Also transmitted herewith are:
[X] Petition for extension under 37 C.F.R. 1.136 (in duplicate)
[X] Other: **Version With Markings to Show Changes Made and Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection over a Pending Second Application**
- [X] Check(s) in the amount of **\$1030.00** is/are attached to cover:
[] Filing fee for additional claims under 37 C.F.R. 1.16
[X] Petition fee for extension under 37 C.F.R. 1.136
[X] Other: Terminal Disclaimer Fee
- [X] The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- [X] Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- [X] Any patent application processing fees under 37 C.F.R. 1.17.
- [X] Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.


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I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" in an envelope addressed to "Assistant Commissioner for Patents, Washington, D.C. 20231" on July 1, 2002.

DAVIDSON, DAVIDSON & KAPPEL, LLC





UNITED STATES PATENT & TRADEMARK OFFICE

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Re: Application of: Chih-Ming Chen, et al.
Serial No.: 09/705,625
Filed: November 3, 2000
For: **Methods For Treating Diabetes Via
Administartion Of Controlled Release
Metformin**

Examiner: T. Ware

Art Unit: 1615

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Assistant Commissioner for Patents
Washington, D.C. 20231

July 1, 2002

AMENDMENT UNDER 37 C.F.R. §1.111

Sir:

In response to the Office Action dated December 31, 2001, please enter the following amendments and remarks:

IN THE CLAIMS

Please amend the claims as follows:

1. A method for lowering blood glucose levels in human patients needing treatment for non-insulin-dependent diabetes mellitus (NIDDM), comprising orally administering to human patients on a once-a-day basis at least one oral controlled release dosage form comprising an effective dose of at least one suitable antihyperglycemic agent or a pharmaceutically acceptable salt thereof and a controlled release carrier, wherein the dosage form provides a mean time to maximum plasma concentration (T_{max}) of the agent at from 5.5 to 7.5 hours after administration.

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